

IN SENATE OF THE UNITED STATES,

FEBRUARY 20, 1826.

Mr. LLOYD, from the Committee on Commerce, to whom was referred the Memorial of the Mayor and Aldermen of the City of Savannah,

REPORTED:

The memorialists state, it was considered necessary, during the war of the Revolution, for the common defence, and especially for the protection of the city of Savannah, that obstructions should be placed in the channel of the river, for the purpose of preventing an approach of the enemy; that, accordingly, several wrecks were procured and sunk, about two and a half miles from the city, where they have remained, until they have been covered by the sand which forms the bed of the river; and from the long series of years that has intervened, have now become so deeply embedded therein, as that the expense of applying a force commensurate with their removal, would be greater than the city could encounter.

The memorialists further state, that the measure of sinking the wrecks was sanctioned by the existing authorities of the time; was justified by the supposed emergency, and was not a departure from the ordinary modes adopted on similar occasions.

From which representations, and from other information furnished them in the case, the Committee find, that certain wrecks were sunk in the river at different times, both by the Commander of the American forces, and by the enemy; that some years afterwards, the city of Savannah, at a heavy expense, caused several of these wrecks to be raised; but that others yet remain, which obstruct and injure the navigation of the river, more especially for the larger class of vessels, which are best adapted for the transportation of the most material, but, though valuable, bulky, article of the produce of the State, and for the smaller vessels of war of the United States: which obstructions, it is the object of the petitioners, to procure the removal of, by the General Government; the expense of doing it being, as is stated, beyond the limited means of their finances; while the benefit which would result from effecting it, would be participated as well by the public in general, as by themselves.

An objection to granting the prayer of the petition, might, perhaps, be adduced from the period when these wrecks were sunk: the length of time which has since intervened, and the adjustment and final settlement of the accounts for Revolutionary services and expenditures, which took place at an early period of the present Government, between the United States and the several States, did the petitioners pray for the payment of the cost, either of procuring or sinking said vessels; but, while, even in this view, as on the one hand the legal maxim *nullum tempus occurrit Regi*, may, as a general rule of conduct, be probably found a sound and needful one, to compensate, in some degree, for the absence, on the part of Governments, of that individual interest and wakeful vigilance which form the best security for the protection of fiscal concerns; so, on the other hand, the Committee would be disposed to believe, that, on principles of sound policy and an enlightened economy, as well as those of a broad and liberal equity, no statute of limitations should be suffered to foreclose, from a just remuneration, useful, disinterested, and voluntary sacrifices for the public good, in periods of emergency; but, on the contrary, that a fair compensation should ever await them; while their remembrance, like that of other recorded acts of patriotic devotion, should freshen with the lapse of years, and be cherished as evidences of merit, not only in reward of the past, but, as examples for the future, to excite others, when those periods of adversity to which all human institutions, sooner or later, are subjected, may arrive, to the performance of similar duties, and the offering of like oblations.

But, notwithstanding the influence of these impressions, the committee would feel it incumbent on them to proceed with great caution and deliberation, in proposing again to open accounts so long closed as those of the war of the Revolution, arising as they did from scenes and circumstances elicited by a common necessity, and which are now covered with the hoar of half a century; but in the present case the committee do not perceive that this will be necessary: for, although the obstruction, the removal of which is prayed for, was created during the first American war, it is not on that ground that the aid of the General Government is principally solicited; it is on that of an existing inconvenience, affecting, as is contended, the public interest, that assistance is requested; not to return past expenditures, but to restore to its natural state one of the most important rivers of the Atlantic Southern section of the Union, the outlet of a rich and productive country, and which, if accomplished, may not only better accommodate the navigation and commerce frequenting it, and also have a beneficial effect on the agriculture of the region which it waters, by extending the market for its products, but will at the same time afford shelter on a coast where few suitable harbors are to be found, for the vessels of war of the United States, best adapted for cruising in that latitude.

For all which reasons, from the jurisdiction exercised by the General Government over the navigable waters of the United States, and from the enjoyment of the revenues derived from its commerce now to no less an amount than twenty-four millions of dollars in the year;

together with the belief that the public interests would be promoted from restoring the natural facilities of the river in question, by a removal of the obstructions which have so long impeded the approach of vessels of a large size to the principal port of a State exporting annually of the productions of the soil nearly five millions of dollars to foreign countries, and large amounts to other parts of the United States; as well as the access, the doing it would give for our public vessels of the class of sloops of war, to a city where they would be sure, at all times, and under any circumstances, to find both supplies and protection; and seeing also that the principle has been sanctioned alike of the power and expediency, on the part of the General Government, of making similar appropriations for improving the important water courses and harbors of the United States, in so many instances as to make a particular specification of them neither useful nor necessary; the committee are of opinion that the prayer of the petitioners is reasonable, and ought to be granted; and therefore report a "Bill for removing the existing obstructions in the river Savannah."

